

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER R5-2015-0113

WASTE DISCHARGE REQUIREMENTS GENERAL ORDER  
FOR DISCHARGES OF WASTE  
ASSOCIATED WITH MEDICINAL CANNABIS CULTIVATION ACTIVITIES

**This General Order regulates the discharge of wastes from cannabis cultivation sites to waters of the state. This General Order does not authorize, endorse, sanction, permit, or approve the cultivation, use, or sale of cannabis.**

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The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) finds, with respect to the discharge of wastes from cannabis cultivation sites, that:

### **OVERVIEW**

1. Cannabis cultivation in the Central Valley Region has grown exponentially in recent years. Largely unregulated, cannabis cultivation and related activities are resulting in significant water quality impacts.
2. Though cannabis cultivation for recreational purposes is illegal under California Law (Health & Saf. Code § 11358.), the Compassionate Use Act of 1996 (Prop 215) created an exception to criminal prosecution for those who grow cannabis for seriously ill Californians that have received a recommendation from a physician that cannabis may provide relief for their illnesses.
3. The Central Valley Water Board is issuing this General Order to reduce water quality impacts associated with the cultivation of cannabis while the Board either develops a more comprehensive regulatory program specific to cannabis cultivation or fully integrates cannabis cultivators into an existing regulatory program or programs.
4. Cultivation activities that occupy and/or disturb less than 1000 square feet, have not been demonstrated to cause more than *de minimis impacts* to water quality. Such cultivation activities do not pose a significant threat to water quality and are not covered under this General Order.
5. Under this General Order, “Dischargers” are defined as any person engaged in cultivating cannabis that discharges or threatens to discharge waste where it could affect the quality of waters of the state. This term includes landowners, growers, lessees, and tenants of private land where cannabis is grown and of lands that are modified or maintained to facilitate cannabis cultivation. This term does not include those individuals whose cultivation activities occupy and/or disturb less than 1000 square feet.
6. This General Order regulates discharges to waters of the state, which includes both surface waters and ground waters.

### **REGULATORY CONSIDERATIONS**

7. Water Code section 13260(a) requires that any person currently discharging or proposing to discharge waste that could affect the quality of the waters of the State file a Report of Waste Discharge (RWD) with the appropriate Regional Water Quality Control Board.
8. Pursuant to Water Code section 13263, the Central Valley Water Board has the obligation to prescribe waste discharge requirements (WDRs) for waste discharges that could affect the quality of waters of the Central Valley Region.
9. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* and the *Water Quality Control Plan for the Tulare Lake Basins* (hereafter Basin Plans) collectively cover the entire Central Valley Region. The Basin Plans designate beneficial uses, establish water quality objectives, contain implementation plans and policies for protecting waters of the basin, and incorporate by reference plans and policies adopted by the State Water Board.
10. The beneficial uses of surface waters that may receive discharges as runoff from cannabis cultivation sites, as stated in the Basin Plans, include: municipal and domestic supply; agricultural

supply; groundwater recharge; fresh water replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial and sport fishing; aquaculture; warm freshwater habitat; cold freshwater habitat; wildlife habitat; migration of aquatic organisms; spawning, reproduction, and/or early development.

11. The beneficial uses of underlying groundwater as set forth in the Basin Plans are municipal and domestic supply, agricultural supply, industrial service supply and industrial process supply.
12. The Basin Plan establishes narrative water quality objectives for chemical constituents, tastes and odors, and toxicity in groundwater. It also sets forth a numeric objective for total coliform organisms.
13. The Basin Plan's numeric water quality objective for bacteria requires that the most probable number (MPN) of coliform organisms over any seven-day period shall be less than 2.2 per 100 mL in MUN groundwater.
14. The Basin Plan's narrative water quality objectives for chemical constituents, at a minimum, require waters designated as domestic or municipal supply to meet the maximum contaminant levels (MCLs) specified in Title 22 of the California Code of Regulations (hereafter Title 22). The Basin Plan recognizes that the Central Valley Water Board may apply limits more stringent than MCLs to ensure that waters do not contain chemical constituents in concentrations that adversely affect beneficial uses.
15. The narrative toxicity objective requires that groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, animal, plant, or aquatic life associated with designated beneficial uses.
16. Quantifying a narrative water quality objective requires a site-specific evaluation of those constituents that have the potential to impact water quality and beneficial uses. The Basin Plan states that when compliance with a narrative objective is required to protect specific beneficial uses, the Central Valley Water Board will, on a case-by-case basis, adopt numerical limitations in order to implement the narrative objective.
17. Discharges of wastes from cannabis cultivation activities that threaten to impact the beneficial uses of waters of the state include:
  - i. Discharges of sediment from graded roads, grow sites, and spoil sites to surface waters;
  - ii. Discharges of soil, fertilizers, pesticides, herbicides, and rodenticides, which threaten to impact surface waters and ground waters and which impact wildlife;
  - iii. Discharges from improperly constructed and unmaintained stream crossings and culverts;
  - iv. Development within and adjacent to wetlands and riparian zones;
  - v. Discharges of trash associated with cannabis cultivation;
  - vi. Discharges of human waste and household refuse; and
  - vii. Spills and leaks of petroleum products and other chemicals associated with pumps and cultivation equipment.
18. The Board's Irrigated Lands Regulatory Program, Construction and Industrial Stormwater Programs, and Forest Activities Program all regulate discharges similar to those seen at many cannabis cultivation sites. Where applicable, this General Order requires cannabis cultivators to

apply for coverage under the State Water Board's Construction and Industrial Stormwater Program or abide by conditions set by the Central Valley Water Board's Forest Activities Program. While this General Order is in effect, the Central Valley Water Board will be working to either effectively incorporate the conditions necessary to protect waters of the State into existing regulatory programs, or will be developing a cannabis-specific regulatory program.

19. The Board's Irrigated Lands Regulatory Program (ILRP) has partnered with numerous Third-Party "Coalitions" that effectively operate as discharger-funded intermediaries between the Board and the tens of thousands of traditional agricultural growers in the region. These coalitions are geographic or commodity-based groups that maintain member rolls, collect regulatory fees from enrollees, conduct water quality monitoring, submit reports to the Central Valley Water Board, conduct educational and outreach programs to inform enrollees of compliance requirements, and develop management plans to address water quality problems. Should a collective of cannabis growers form a coalition that demonstrates the capacity to fulfill these functions, the Board may authorize such a coalition to perform a similar function for this program.

### **MONITORING AND REPORTING**

20. Water Code section 13267 states, in relevant part:

(b)(1) In conducting an investigation . . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

Large-scale and high-risk cannabis cultivators will be required to submit annual reports to the Board under this General Order. Large-scale and high-risk Dischargers are responsible for submitting monitoring reports because discharges from these cultivation sites pose a significant risk to water quality. As the reporting requirements are relatively simple to complete, the burden of preparing and submitting such reports to the Board is reasonable.

### **ANTI-DEGRADATION**

21. State Water Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality of Waters in California (*Anti-Degradation Policy*) generally prohibits the Central Valley Water Board from authorizing activities that will result in the degradation of high-quality waters unless it has been shown that:
  - i. The degradation will not result in water quality less than that prescribed in state and regional policies, including violation of one or more water quality objectives;
  - ii. The degradation will not unreasonably affect present and anticipated future beneficial uses;
  - iii. The discharger will employ Best Practicable Treatment or Control (BPTC) to minimize degradation; and
  - iv. The degradation is consistent with the maximum benefit to the people of the State.

The Board has evidence that cannabis cultivation activities are resulting in the degradation of high-quality waters in many areas throughout the Central Valley Region. This General Order is the

first step in a strategic initiative to comprehensively ensure that degradation due to cannabis cultivation does not result in water quality less than that prescribed in state and regional policies and will not unreasonably affect present and anticipated future beneficial uses. What is considered BPTC for the control of pollutants that may cause degradation from cannabis cultivation sites has not yet been defined; the information gathered by the Board while this General Order is in effect is intended to help define what measures should be considered BPTC at different cannabis cultivation sites. The people of the State, in approving Proposition 215, have determined that seriously ill patients may legally consume cannabis, and this General Order is designed to ensure that the cultivation activities necessary to provide such therapeutic cannabis do not cause undue water quality degradation.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

22. This General Order both imposes regulatory requirements on existing cannabis cultivation sites and will regulate the water quality impacts related to the development of future cannabis cultivation sites. The issuance of regulatory restrictions on already-developed cannabis cultivation sites in order to ensure the protection of both surface and groundwater resources is exempt from the provisions of the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 15301, which exempts the "operation, repair, maintenance, [and] permitting ... of existing public or private structures, facilities, mechanical equipment, or topographical features" from environmental review.
23. Dischargers that own sites that have not yet been developed for cannabis cultivation can only receive regulatory coverage under this General Order upon demonstrating compliance with CEQA by completing the Notice of Intent (NOI) included with this Order as Attachment B. Completing the NOI includes making a demonstration that:
  - i. Any potential impacts to wetlands and vernal pools have been permitted pursuant to section 401/404 of the federal Clean Water Act;
  - ii. A Section 1602 Streambed Alteration has been procured, if necessary;
  - iii. The Discharger has obtained coverage under the State Water Board's Construction General Stormwater Permit, if necessary;
  - iv. The Discharger has obtained a Timberland Conversion Permit, if necessary;
  - v. The development of the Cannabis Cultivation Site is in compliance with any applicable County regulations and ordinances, including grading, construction, and building ordinances;
  - vi. That any and all impacts to special-status species have been fully mitigated; and
  - vii. That all potential impacts to cultural resources will be appropriately addressed and mitigated.
24. Issuance of this General Order is also exempt from CEQA in accordance with California Code of Regulations, title 14, section 15307, which exempts from environmental review actions by regulatory agencies for the protection of natural resources. This action may also be considered exempt from environmental review pursuant to California Code of Regulations, title 14, section 15308, which exempts actions by regulatory agencies for the protection of the environment.

## **OTHER REGULATORY CONCERNS**

25. There are no pesticides approved by regulatory agencies for use on cannabis. Attachment D lists active ingredients that are exempt from residue tolerance requirements, and either exempt from registration requirements or registered for a use that's broad enough to include use on cannabis, and therefore can be used legally to control pests of cannabis plants in California. The use of any pesticides shall be consistent with product labeling and any such products shall be placed, used, and stored in a manner that ensures that they will not enter or be released to surface or ground waters.
26. The Executive Officer or Central Valley Water Board may terminate permit coverage under the General Order for any individual discharger at any time when such termination is in the public interest.
27. Water Code section 13260(d)(1)(A) requires persons subject to waste discharge requirements to pay an annual fee established by the State Water Board. On 16 September 2015, the State Water Board established a fee schedule for the discharges covered by this Order. Dischargers seeking coverage under this Order in Tiers 1, 2, or 3 are required to pay an annual fee as set forth in California Code of Regulations, title 23, section 2200.7.
28. This General Order does not preclude the need for permits that may be required by other governmental agencies, nor does it supersede any requirements, ordinances, or regulations of any other regulatory agency, including necessary certification and permitting for the application of pesticides and herbicides and proper handling and disposal of human/domestic wastes.
29. Pursuant to Water Code section 13263(g), discharge is a privilege, not a right, and adoption of this Order does not create a vested right to continue the discharge.
30. In compliance with Water Code section 106.3, it is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by requiring discharges to comply with water quality objectives developed to protect municipal and domestic water supplies.

## **PUBLIC NOTICE**

31. All the above was considered in establishing the following conditions of discharge.
32. The Central Valley Water Board has notified interested agencies and persons of its intent to prescribe waste discharge requirements for medicinal cannabis cultivation, and they have been provided an opportunity to participate in three public workshops and to submit written comments, and an opportunity for a public hearing.
33. All comments pertaining to the discharge were heard and considered in a public hearing.

**IT IS HEREBY ORDERED** that, pursuant to Water Code sections 13263 and 13267, all Cannabis Cultivators meeting criteria for coverage under these WDRs, including their agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted hereunder, shall comply with the following.

**Prohibitions, Site Access, and Specifications Applicable to All Cannabis Cultivators**

The following parts of this General Order are applicable to anyone cultivating cannabis in the Central Valley Region.

**Discharge Prohibitions: All Cannabis Cultivators**

1. The discharge shall neither create nor threaten to create a condition of pollution or nuisance, as defined by Water Code section 13050.
2. The discharge of earthen materials, soil, silt, plant waste, slash, or other organic, or inorganic refuse, rubbish, and solid waste, chemicals, bio-stimulatory substances and/or water containing elevated temperatures above background conditions, and/or chemicals, such as but not limited to pesticides, fertilizers, or other substances potentially causing toxicity, into any stream or watercourse is prohibited.
3. The Discharge of hazardous wastes, as that term is defined in California Code of Regulations, title 22, section 66261.1 *et seq.*, is prohibited.
4. The discharge of any waste not specifically regulated by this General Order and that could affect the quality of the waters of the state is prohibited, unless the discharger obtains regulatory coverage under separate WDRs or certification issued by the Central Valley Water Board or the State Water Resources Control Board.

**Site Access: All Cannabis Cultivators**

5. The Discharger shall allow Water Board staff and/or California Department of Fish and Wildlife staff reasonable access onto the affected property for the purpose of performing inspections to determine compliance with this Order.

**Discharge Specifications: All Cannabis Cultivators**

6. Cultivation areas must be maintained so as to prevent nutrients from leaving the Site during the growing season and post-harvest.
7. Adequate buffers shall be in place to filter wastes from surface water discharges from production lands and associated facilities to all lakes, wetlands<sup>1</sup>, watercourses<sup>2</sup>, drainage ditches, or other water conveyances.

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<sup>1</sup> A wetland is an area that is covered by shallow water or where the surface soil is saturated, either year round or during periods of the year; where that water coverage has caused a lack of oxygen in the surface soil; and has either no vegetation or plants of a type that have adapted to shallow water or saturated soil. Some examples are fresh water marshes, bogs, springs, riparian areas, vernal pools, coastal mud flats and salt marshes.

<sup>2</sup> Watercourse means any well-defined channel with distinguishable bed and bank showing evidence of having contained flowing water indicated by deposit of rock, gravel, sand, or soil.

8. Access roads shall be constructed and maintained so as to prevent road surface and fill material from discharging to any surface water body (i.e. lake, wetland, Class I, II, or III<sup>3</sup> watercourse).
9. No production lands or associated facilities<sup>4</sup> are allowed to be located within 100 feet of any surface water body.
10. In areas outside timberland, pursuant to Public Resource Code section 4526, no tree removal for the purposes of facilitating production, including solar exposure increases, within 150 feet of fish bearing water bodies or 100 feet of aquatic habitat for non-fish aquatic species (i.e. aquatic insects). In areas inside timberland, any tree removal is subject to the conditions and requirements set forth in the Zberg-Nejedly Forest Practice Act and the California Forest Practice Rules.
11. Tailwater return flows shall be managed so that any entrained constituents, such as fertilizers, pesticides, fine sediment and suspended organic particles, and other oxygen consuming materials and wastes are not discharged to nearby watercourses. This could include modifications to irrigation systems that reuse tailwater by constructing off-stream retention basins, active (pumping) and or passive (gravity) tailwater recapture/redistribution systems.
12. Fertilizers, potting soils, compost, and other soils and soil amendments must be stored in locations where they cannot enter or be transported into surface waters and where nutrients or other elements cannot be leached into groundwater.
13. Pesticides, petroleum products, and other liquid chemicals (including diesel, gasoline, oils, etc.) must be stored so as to prevent their spillage, discharge, or seepage. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature. Above ground storage tanks and containers must be provided with a secondary means of containment for 110 percent of the capacity of the largest single container and sufficient freeboard to contain precipitation.
14. Disposal of human waste must meet applicable County health standards, local agency management plans and ordinances, and/or the State Water Board's Onsite Wastewater Treatment System (OWTS) policy, and does not represent a threat to surface water or ground water.
15. Dischargers shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ) for construction projects that disturb one or more acres of soil or for projects that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres of soil, specifically for new site preparation and development. Dischargers shall submit to Regional Water Board staff a copy of the Stormwater Pollution Prevention Plan (SWPPP) developed for the site in compliance with the Construction General Permit.

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<sup>3</sup> The California Forest Practice Rules define a Class I watercourse as 1) a watercourse providing habitat for fish always or seasonally, and/or 2) providing a domestic water source; a Class II watercourse is 1) a watercourse capable of supporting non-fish aquatic species, or 2) a watercourse within 1000 feet of a watercourse that seasonally or always has fish present; a Class III watercourse is a watercourse with no aquatic life present and that shows evidence of being capable of transporting sediment to Class I and Class II waters during high water flow conditions.

<sup>4</sup> Associated facilities include those constructed or placed features that facilitate plant cultivation (including but not limited to amendments storage and mixing buildings/areas, material storage buildings/areas, greenhouses, and generators).

16. Dischargers shall notify the California Department of Fish and Wildlife (CDFW) and the State Water Board's Division of Water Rights prior to beginning any activity that may substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or deposit or dispose of debris, waste or other material where it may pass into any river, stream, or lake. (Fish & Game Code § 1602.) To notify CDFW, dischargers shall complete the Lake or Streambed Alteration Notification forms (Notification) and shall submit the Notification with the appropriate fee to the CDFW Regional Office that serves the county where the activity will take place. Dischargers shall obtain a Lake or Streambed Alteration Agreement when CDFW determines that the activity may substantially adversely affect existing fish or wildlife resources.
17. Diversion and/or storage of water from a river, stream, or lake shall be conducted pursuant to a valid water right and in compliance with all applicable reporting and measurement requirements including those under Water Code sections 5101-5107. A Cultivator diverting or storing of water from a river, stream, or lake in connection with their cultivation activities must attach one of the following to the NOI that they will submit to the Central Valley Water Board:
- A letter, email, or receipt from the State Water Board acknowledging that the Cultivator has filed a statement with the State Water Board in support of a pre-1914 or riparian claim,
  - An appropriative water permit, or license; or
  - A true and correct copy of an application, **or other documentation verifying** that the Cultivator has submitted **an application** to the State Water Board to obtain such a right, permit, registration, or license; or
  - A statement explaining why such documentation cannot be provided.
- Copies of such documents may be downloaded from the State Water Board's Electronic Water Rights Information Management System (eWRIMS).
18. Discharger shall follow all applicable Best Management Practices (BMPs) listed in the Central Valley Water Board's Cannabis Cultivation BMP's Manual (Attachment A).
19. Dischargers<sup>5</sup> must characterize their operations according to the following characteristics, and follow the applicable conditions specific to their regulatory tier:
- Tier 1: Cultivation activities are located on slopes less than 30%, occupy and/or disturb less than 1/4 acre, and are not located within 200 feet of a wetland, Class I or II watercourse.
- Tier 2: Cultivation activities are located on less than 30% slopes, occupy and/or disturb less than 1 acre and less than 50% of the Cultivator's/Landowner's parcel, and are not within 200 feet of a wetland, Class I or II watercourse.
- Tier 3: Cultivation activities are located on greater than 30% slopes, occupy and/or disturb more than 1 acre or more than 50% of the Cultivator's/Landowner's parcel, or are within 200 feet of a wetland, Class I or II watercourse.
20. For those discharges requiring submittal of a RWD, the discharger must submit the fee specified in California Code of Regulations, title 23, section 2200.

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<sup>5</sup> Dischargers that cultivate cannabis on more than one site within a parcel or contiguous parcels, must combine the area that all the sites occupy and/or disturb and must characterize their operations for Tier determination based on the site with the greatest threat to water quality (i.e. the site with the steepest slopes and/or closest proximity to a surface water body). Dischargers that cultivate cannabis on multiple discontinuous parcels must obtain regulatory coverage for each parcel.

### **Discharge Specification Applicable to Tier 1 Cannabis Cultivators**

Definition: A Tier 1 Cultivator poses a low threat to water quality based on certain physical characteristics of their operation such as slope, proximity to surface water, and small scale of operation. Specifically, slopes are no more than 30% (as measured between cultivation areas or associated facilities and nearest surface water body), cultivation activities occupy and/or disturb less than 1/4 acre (10,890 square feet) of the Cultivator's/Landowner's parcel, and no cultivation areas or associated facilities are located within 200 feet of a wetland, Class I or II watercourse.

Permit Application: Tier 1 Cultivators must submit a Notice of Intent (NOI) to obtain regulatory coverage to the Central Valley Water Board and pay an annual fee for coverage under this Order to the Central Valley Water Board.

21. Tier 1 Cultivators must maintain a copy of the Central Valley Water Board's Cannabis Cultivation BMPs Manual, included as Attachment A, a part of this Order, on all premises where cannabis is being cultivated. Failure to have a copy on hand is grounds for the Central Valley Water Board or the State Water Board to find a violation of this Order.

### **Discharge Specifications Applicable to Tier 2 Cannabis Cultivators**

Definition: A Tier 2 Cultivator poses a moderate threat to water quality based on certain physical characteristics of their operation such as slope, proximity to surface water, and scale of operation. Specifically, slopes are no more than 30% (as measured between cultivation areas or associated facilities and nearest surface water body), cultivation activities and associated facilities occupy and/or disturb less than 1 acre and no more than 50% of the Cultivator's/Landowner's parcel(s), and no cultivation activities or associated facilities are located within 200 feet of a wetland, Class I or II watercourse.

Permit Application and Reporting: Tier 2 Cultivators must submit a Notice of Intent (NOI) to obtain regulatory coverage to the Central Valley Water Board, pay annual fees for coverage under this Order to the Central Valley Water Board, and submit annual monitoring reports.

22. Tier 2 Cultivators must maintain a copy of the Central Valley Water Board's Cannabis Cultivation BMPs Manual, included as Attachment A, a part of this Order, on all premises where cannabis is being cultivated. Failure to have a copy on hand is grounds for the Central Valley Water Board or the State Water Board to find a violation of this Order.
23. Tier 2 Cultivators shall conduct a pre-winter Implementation Inspection by **November 1** of each year to assure that BMPs are in place and secure prior to the winter period. Tier 2 Cultivators shall conduct an Effectiveness Monitoring Inspection **after April 1 and before June 15** to assess the effectiveness of BMPs and to identify any additional BMPs necessary. Tier 2 Cultivators must prepare and submit an Annual Monitoring Report to the Executive Officer by **July 15** of each year. The Annual Monitoring Report shall, at a minimum, include the date and type of each inspection, the inspector's name, the inspector's findings, and shall describe how the Discharger has complied with the requirements of the General Order for Cannabis Cultivation.

### **Discharge Specifications Applicable to Tier 3 Cannabis Cultivators**

Definition: A Tier 3 Cultivator poses an elevated threat to water quality based on certain physical characteristics of their operation such as; slope, proximity to surface water, and/or scale of operation. Specifically, slopes are more than 30% (as measured between cultivation areas or associated facilities and nearest surface water body), or cultivation activities and associated facilities occupy and/or disturb more than 1 acre or more than 50% of the Cultivator's/Landowner's parcel(s), or cultivation activities or associated facilities are located within 200 feet of a wetland, Class I or II watercourse.

Permit Application and Reporting: Tier 3 Cultivators must submit a Notice of Intent (NOI) to obtain regulatory coverage to the Central Valley Water Board, pay annual fees for coverage under this Order to the Central Valley Water Board, and submit Annual Monitoring Reports. Tier 3 Cultivators must also develop a Site Management Plan describing practices that will be implemented on the Site to minimize impacts to surface and ground waters.

24. Tier 3 Cultivators must maintain a copy of the Central Valley Water Board's Cannabis Cultivation BMPs Manual, included as Attachment A, a part of this Order, on all premises where cannabis is being cultivated. Failure to have a copy on hand is grounds for the Central Valley Water Board or the State Water Board to find a violation of this Order.
25. Tier 3 Cultivators must prepare and submit for approval to the Central Valley Water Board a Site Management Plan. The level of detail required in a Site Management Plan will be dependent on the site-specific characteristics of the activity/operation. Plans must be kept available on the site and subject to inspection. Site Management Plans must address the following:
  - i. Map of property including areas of operations, roads, water bodies, all cleared/developed areas, and including general drainage patterns and directions.
  - ii. Applicable design drawings and schematics for watercourse structures, fish passages, roads, septic tanks, fill prisms, ponds, or any constructed feature that has been designed or engineered.
  - iii. Detailed list with locations of specific management practices to address erosion control/stability, stream crossing construction/maintenance, riparian protection, road construction/maintenance, spoils storage and disposal, irrigation runoff, water diversion practices, and water storage and use.
  - iv. List of chemicals stored onsite (fertilizers, pesticides, herbicides, petroleum products, etc...) and information about their frequencies and quantities of use.
26. Tier 3 Cultivators shall conduct a pre-winter Implementation Inspection by **November 1** of each year to assure that BMPs are in place and secure prior to the winter period. Tier 3 Cultivators shall conduct an Effectiveness Monitoring Inspection **after April 1 and before June 15** to assess the effectiveness of BMPs and to identify any additional BMPs necessary. Tier 3 Cultivators must prepare and submit an Annual Monitoring Report to the Executive Officer by **July 15** of each year. The Annual Monitoring Report shall, at a minimum, include the date and type of each inspection, the inspector's name, the inspector's findings, and shall describe how the Discharger has complied with the requirements of the General Order for Cannabis Cultivation.

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order or with individual WDRs may result in the assessment of Administrative Civil Liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code,

including sections 13268, 13350 and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

or will be provided upon request.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board on 2 October 2015.

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original signed by

PAMELA C. CREEDON, Executive Officer

## Attachment A

### Best Management Practices Manual for Cannabis Cultivation

## Attachment B

### Notice of Intent to Obtain Coverage for Tier 1, Tier 2, and Tier 3 Cultivators

## Attachment C

### Annual Monitoring Program Template for Tier 2 and Tier 3 Cultivators

## Attachment D

### Legal Pest Management Practices for Marijuana Growers in California